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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,688	08/23/2001	Frank Tso	3626-0217P	8391

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,688

Applicant(s)

TSO, FRANK

Examiner

Shawki S Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-17 are presented for examination.

Claim for foreign priority is acknowledged.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 601 (Fig. 1) Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC §102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 7, 9, 10, 12, 13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kanevsky et al, (Kanevsky)** U.S. Patent No. **6,494,949**.

5. As to claim 1, Kanevsky teaches an auto-backup system for a portable electronic device being able to wirelessly-connect to a computer device having a backup I/O module and a database, the auto-backup system comprising:

an input module, with which a user enter a backup request (col. 2, lines 45-55, the type of backup done in an emergency is pre-selected by the system administrator or the owner); and

a backup management module, which transmits at least one set of data stored in the portable electronic device wirelessly to the computer device and saves the data in the database through the backup I/O module (col. 4, lines 39-67, initial emergency network map 128.)

6. As to claim 2, Kanevsky teaches the system of claim 1, further comprising:

a network connecting module, which establishes wireless signal communications between the portable electronic device and the computer device (col. 4, lines 39-67, updated emergency network map 128'.)

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7. As to claim 4, Kanevsky teaches the system of claim 1, wherein the data are in a file (col. 2, lines 46-49 and col. 4, lines 21-29.)

8. As to claim 5, Kanevsky teaches the system of claim 1, wherein the computer device contains a network server (claim 9.)

9. As to claim 7, Kanevsky teaches an auto-backup system for a portable electronic device having an input module, a network connecting module and a backup management module, the auto-backup system comprising:

a database (Fig. 2, col. 2 line 66 – col. 3, line 9); and

a backup I/O module, which receives at least one set of data transmitted from the backup management module when the input module receives a backup request and the network connecting module establishes wireless signal communications with the computer device and stores the data in the database (col. 4, lines 39-67, initial emergency network map 128.)

10. As to claim 9, Kanevsky teaches the system of claim 7, wherein the data are in a file (col. 2, lines 46-49 and col. 4, lines 21-29.)

11. As to claim 10, Kanevsky teaches the system of claim 7, wherein the computer device contains a network server (claim 9.)

12. As to claim 12, Kanevsky teaches an auto-backup method for a portable electronic device implemented in a system comprising a portable electronic device and a computer device, the portable electronic device including an input module and a backup management module and the computer device including a database and a backup I/O module, the method comprising:

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a backup initiating step, in which a user uses the input module to enter a backup request (col. 2, lines 45-55, the type of backup done in an emergency is pre-selected by the system administrator or the owner); and

a backup storing step, in which the backup management module transmits at least one set of data stored in the portable electronic device wirelessly to the computer device and the backup I/O module stores the data in the database (col. 4, lines 39-67, initial emergency network map 128.)

13. As to claim 13, Kanevsky teaches the method of claim 12 with the portable electronic device further including a network connecting module and the method further comprising a network connecting step, in which the network connecting module establishes wireless signal communications between the portable electronic device and the computer device (col. 4, lines 39-67, updated emergency network map 128'.)

14. As to claim 15, Kanevsky teaches the method of claim 12, wherein the data are in a file (col. 2, lines 46-49 and col. 4, lines 21-29.)

15. As to claim 16, Kanevsky teaches the method of claim 12, wherein the computer device contains a network server (claim 9.)

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3, 8, and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kanevsky et al, (Kanevsky)** U.S. Patent No. **6,494,949** and in view of **Gold et al., (Gold)** U.S. Patent No. **6,785,786**.

18. As to claims 3, 8, and 14, Kanevsky teaches the system of claim 1, 7, and 12, respectively wherein the data stored on the portable electronic device is transmitted wirelessly to the computer and saved in a database (col. 4, lines 39-67.) Kanevsky does not explicitly teach wherein a data restoration is sent automatically to the device and sends the data wirelessly to the portable electronic device.

Gold teaches a data backup and recovery system wherein the backup apparatus enables a client to restore any of it's lost data by copying it directly from disk. It would have been obvious to one of ordinary skill in the art at the time of applicants invention to combine the teaching of Kanevsky and Gold to have a data restoration that restored the data after it had been backed up so that increased efficiency is gained by avoiding unnecessary work.

19. Claims 6, 11, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kanevsky et al, (Kanevsky)** U.S. Patent No. **6,494,949**.

20. As to claims 6, 11, and 17, Kanevsky teaches the system of claims 5, 10, and 16, respectively wherein the portable electronic device connects wirelessly to the network server (col. 1, lines 55-58.) Kanevsky does not explicitly teach

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wherein the device connects to the network server using the general packet radio service (GPRS).

It would have been obvious to one with ordinary skill in the art at the time of applicants invention to use a (GPRS) to connect to the network server in order increased system efficiency is gained. GPRS increased efficiency of a system because GPRS is particularly suited for sending and receiving small bursts of data, such as e-mail and web browsing, as well as large volumes of data.



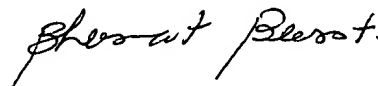
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
October 13, 2004



**BHARAT BAROT**  
**PRIMARY EXAMINER**